

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JOHN WILLIAM HETZEL

PLAINTIFF

v.

Civil No. 06-5024

DR. MULLINS; and  
NURSE McDONALD

DEFENDANTS

**ORDER**

Defendants have filed a motion for summary judgment (Doc. 16). To assist plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the summary judgment motion.

For this reason, John William Hetzel is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **July 26, 2007**. **Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.**

IT IS SO ORDERED this 25th day of June 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JOHN WILLIAM HETZEL

PLAINTIFF

v.

Civil No. 06-5024

DR. MULLINS; and  
NURSE McDONALD

DEFENDANTS

**RESPONSE TO SUMMARY JUDGMENT MOTION**

TO: JOHN WILLIAM HETZEL

These questions and answers will serve as your response to the motion for summary judgment filed by the defendants. You may use additional sheets of paper in responding to these questions. You must file this response by **July 26, 2007**.

1. You were booked into the Benton County Detention Center (BCDC) on charges of aggravated assault on October 25, 2005.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 1 at page 1.

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2. At the time of your booking you were intoxicated, but you completed a medical

intake questionnaire and indicated no health problems.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page

1.

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3. You were convicted on June 26, 2006, and sentenced to a term of imprisonment in the Arkansas Department of Correction (ADC) of one hundred and eighty months.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at pages

6-8.

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4. When you were booked into the BCDC, you received a notice about the inmate telephone system and signed the notice indicating you had reviewed it and understood it.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at page

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5. On November 11, 2005, Deputy Billy Coffelt reported that you did not have your shirt tucked in and were being locked down for ten days for refusing to obey the order of a deputy.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 1.

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6. You were given a disciplinary for disobeying the order of a deputy and given ten days lock down and loss of privileges.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 2.

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7. You appealed and Captain Petray modified the decision. You had served five days of the lock down and he ordered you released from lock down that day.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 3.

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8. On December 2, 2005, you stated you needed to see a dentist and have a tooth pulled soon. You indicated you had been told it would take three months. You stated you could not wait that long because you could not eat or sleep as you were in pain all the time.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 1.

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9(A). In response, Captain Petray stated he would forward your request to the medical staff. He said the doctor makes all the medical decisions in the jail.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 1.

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(B). Were you seen by a dentist or given any treatment for your tooth?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state: (a) what treatment you received; (b) who treatment you; and (c) when you received the treatment.

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10. On December 14, 2005, you requested information on whether there were any outstanding warrants that you needed to take care of.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 2.

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11. In response, you were told none were seen at that time.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 2.

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12. On January 6, 2006, you requested the address for H & R Block.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 3.

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13. In response, you were told that they did not get personal addresses for inmates and you would need to ask a friend or family member to get it for you.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 3

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14(A). On January 12, 2006, you submitted a grievance stating that you had an A/C separation of your right shoulder and had been told that nothing would be done until you got to prison.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 4.

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(B). How do you know you had an A/C separation of your right shoulder? In answering, please state: (a) when the A/C separation occurred; (b) who diagnosed it; (c) what treatment you had received for the condition; and (d) when you had been treated.

Answer:



Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

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(D). In response to your January 12th grievance, Captain Petray stated he would forward your grievance to medical. He stated the doctor made all medical decisions in the jail.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 4.

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(E). You also mention the Aspirin did not work. Who gave you Aspirin?

Answer:

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(F). Is the January 12th grievance the first request or grievance you put in about needing treatment for your shoulder?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered no, please state when you put in the other requests and what response you received. If you have copies of the other requests, please attach them to this response.

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15. On January 16, 2006, you asked to be moved to D-116. In response, you were told you would stay in your current housing.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 5.

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16(A). On January 25, 2006, you submitted a grievance about your shoulder. You stated you were in pain everyday and the doctor told you that the county jail would not do anything about it.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 6.

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(B). Did Dr. Mullins believe your shoulder did not any treatment?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

Explain your answer.

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17. In response, Captain Petray stated he would forward your grievance to medical. He stated the doctor made all the medical decisions at the jail.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 6.

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18(A). On March 11, 2006, you asked to be moved to a bottom bunk due to your separated shoulder. The responding officer told you to check with the pod deputy.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 8.

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(B). Were you allowed to move to a bottom bunk?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered no, please state if you asked the pod deputy.

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19. On March 28, 2006, you submitted a grievance asking why you were being locked down since you were in court when the lock down decision was made.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 10.

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20. Captain Petray responded that the entire pod was locked down for the safety and security of the facility.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 10.

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21. On May 20, 2006, Deputy Hammock reported that you had two sandwiches under your bunk. You admitted the sandwiches were yours and you were told that you were going to be locked down.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 3.

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22. You were given a disciplinary for storing food and given five days lock down and loss of privileges.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 4.

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23. The decision was reviewed by Lt. Carter and upheld.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 4.

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24. On June 6, 2006, you complained that you brushed your teeth three times a day after every meal and that the little tube of toothpaste you received runs out fast. You stated you asked for more and were told to wait until Sunday which was a day away. You indicated they were by law required to meet your hygiene needs.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 10.

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25. In response, you were told that indigents were passed out once a week and that the toothpaste was more than enough to last a week.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 10.

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26. You were released to the ADC on July 14, 2006.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at page 1.

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27. Your intake physical at the ADC was done on July 24, 2006.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at page 2.

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28. You reported having been hospitalized in December 0f 2004 following a motor vehicle accident during which you sustained a fracture of your right clavicle with a significant deformity and decreased range of motion of your right shoulder. Examination revealed you had equal use of your arms.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at page 2.

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29. You were given a restricted assignment requiring no handling, or lifting of heavy

materials in excess of 10 pounds or overhead work for a period in excess of 8 hours.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at page

3.

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30. You told the nurse you had been hit by a van in December of 2004 and had right shoulder pain radiating to your right hand and pain in your left hip.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at page

11.

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31. You indicated you had been having shoulder problems every since you got hit by the van in 2004 and were not having any new problems. You stated you were taking Lorcet plus and Percodan but didn't have the money to have surgery. You stated you had gotten a job so that you could have insurance and pay for it. You complained of numbness at times.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at page 17.

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32. You also complained that you had gotten an itchy rash while you were at the BCDC and were given a hydrocortisone cream that only made the rash worse.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at page 17.

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33. You were prescribed Acetaminophen.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at page 17.

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37. Since you have been at the ADC, have you had surgery or any other type of treatment for your shoulder?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, describe: (a) the treatment you received; and (b) when you received the treatment.

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Detail below any further response you would like to make to the motion for summary judgment. If you have any exhibits you would like the court to consider, you may attach them to this response.

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EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007.

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